UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

In the Matter of the Search of
(Briefly describe the property to be searched or identify the person by name and address)

IN THE MATTER OF THE SEARCH OF A BLACK SAMSUNG GALAXY S7 EDGE, ONE APPLE iPHONE S, and ONE VERIZON FLIP PHONE

Case No. 17-457-M

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

Three Cellular Phones and two CIM cards located at Homeland Security Investigations, Phila, PA (See Attachment A).

located in the Eastern District of Pennsylvania, there is now concealed *(identify the person or describe the property to be seized)*:

SEE ATTACHMENT B

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☑ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☑ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	*Offense Description*
21 U.S.C § 841	Possession with the Intent to Distribute Controlled Substances

The application is based on these facts:

SEE ATTACHED AFFIDAVIT

☐ Continued on the attached sheet.

☐ Delayed notice of ____ days (give exact ending date if more than 30 days: ________) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

John Agnew, Special Agent, HSI
Printed name and title

Sworn to before me and signed in my presence.

Date: 3-29-17

Judge's signature

City and state: Philadelphia, PA

HON. JACOB P. HART
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL SEARCH WARRANT FOR PHONES SEIZED FROM MIGUEL REGALDO JIMENEZ AND LUIS PAULINO BAEZ

I, JOHN AGNEW, being duly sworn and according to law, depose and state the following:

GENERAL BACKGROUND

1. I am a Special Agent (S/A) with the Department of Homeland Security (DHS), Homeland Security Investigations (HSI), Philadelphia office. I am currently assigned to the High Intensity Drug Trafficking Area (HIDTA) money laundering group. I have been employed as a Special Agent for Homeland Security Investigations formerly known as Immigration and Customs Enforcement (ICE) since March 2004. Previously, I was a fraud investigator for the Pennsylvania Attorney General's Office from 2000 to 2004, specializing in civil fraud investigations. In my current position, I investigate violations of immigration and customs related laws. I have received specialized training in the interpretation and application of federal laws, federal court procedures and the laws pertaining to immigration and customs violations.

2. Through my training, experience, and education from working with other agents, I have developed a competence in identifying and investigating federal crimes, including narcotics violations. Through my training, experience, and education from working with other agents, I have become familiar with the methods that individuals use to traffic narcotics and the proceeds from the sale of narcotics.

3. As part of my duties as a Special Agent for Homeland Security Investigations, I investigate how Drug Trafficking Organizations (DTO) transport controlled substances and drug trafficking instrumentalities, in violation of Title 21, United States Code, Sections 841(a)(1), 843(b), and 846. I have been trained in various aspects of law enforcement, including the investigation of narcotics offenses.

4. This Affidavit is made in support of a Search Warrant Application for authority to search three (3) cellular phones that were seized during the arrests of Miguel REGALDO JIMENEZ, DOB 11/29/1988, PA OLN#30919267 and Luis PAULINO BAEZ, DOB 10/28/1986, PA OLN#29826048.

5. The below three (3) Subject cellular telephones were seized during the arrest of REGALDO JIMENEZ and PUALINO BAEZ's on November 18, 2016 by Homeland Security Investigations (HSI) Task Force Officers (TFOs). These items included (1) one black Samsung Galaxy S7 Edge containing T Mobile SIM card, S/N 8901260592742745617; (1) one Apple I-Phone S containing T Mobile SIM card, S/N 8901260653773789450, contained inside a brown protective case; and (1) one Verizon Samsung flip phone, SKU#SMB311VZPP.

6. As set forth below, there is probable cause to believe that the above-mentioned subject cellular telephones contain evidence, fruits, and instrumentalities of crimes against the United States occurring in this judicial district, specifically, violations of Title 21, United States Code, Section 841(a)(1), (b)(1)(A) Possession of 500 Grams or More of Cocaine, 1 kilogram or more of Heroin, and 500 grams or more of methamphetamine with Intent to Distribute, and Title 18 United States Code, Section 2, aiding and abetting the possession of a controlled substance with the intent to distribute. It is believed that these subject cellular telephones will still contain evidence, fruits, and instrumentalities of crimes against the United States, as the subject cellular telephones have been in the custody of law enforcement officials since they were seized.

7. Based on my training, knowledge and experience, as well as the training, experience and knowledge of other agents, I have learned the following in connection with investigating those involved in illegal trafficking of controlled substances and detection of dealing in proceeds of unlawful activity: Individuals involved in illegal activity and drug dealing commonly

maintain addresses or telephone numbers in books or papers or in cellphones which reflect names, addresses and/or telephone numbers of their associates in the illegal organization and/or individuals involved in their narcotics and money laundering activities; individuals involved in narcotics trafficking frequently list drug associates on cellular phone directories, often by nickname or code, to avoid detection by law enforcement and other individuals who would able to identify them; and a review of a telephone's directory is one of the few ways to verify the numbers (that is, the cellular phones, pagers, etc.) being used by specific targets, conspirators, and associates; individuals involved in narcotics trafficking often utilize multiple cellular phones to attempt to conceal their identity, avoid detection by law enforcement and to facilitate their drug trafficking activities. I also know that drug trafficking frequently use cellular telephone functions, such as text-messaging, email and voice communications, to communicate with other co-conspirators, buyers and suppliers in furtherance of their drug trafficking activities. Often, drug traffickers use multiple cellphones for their drug trafficking, in an effort to conceal their phone contact numbers and illegal activities from law enforcement and other individuals.

8. This affidavit is based upon my personal knowledge, experience and training, and other information developed during the course of this investigation. This affidavit is also based upon information and experience imparted to me by other law enforcement officers.

SUMMARY OF PROBABLE CAUSE

9. On November 18, 2016 members from the HSI HIDTA Task Force went to the area surrounding the 3100 block of Windish Street in the city of Philadelphia, based on a previous investigation into narcotics activity. While in the area, Philadelphia Police Department (PPD), Task Force Officer Vargas, assigned to HSI, observed a Black 2006 Jeep Cherokee displaying Pennsylvania registration KCF-4602 with an aftermarket compartment.

10. Task Force Officers set up surveillance on the Black Jeep Cherokee that was parked near the corner of Sackett and Windish Streets.

11. At approximately 1645 hours PPD Detective Henry, also assigned to HSI as a TFO, observed (2) two Hispanic males, later identified as Miguel REGALDO JIMENEZ, DOB 11/29/1988, PA OLN#30919267 and Luis PAULINO BAEZ, DOB 10/28/1986, PA OLN#29826048, enter the Black Jeep Cherokee displaying Pennsylvania registration KCF-4602. Both males were observed climbing from the front of the vehicle to the back and disappearing under the dashboard. Specifically, JIMENEZ was first observed in the driver side, and Baez was in the passenger side of the vehicle. JIMENEZ climbed into the back seat where he was out of officers' view. At the same time BAEZ was under the front dashboard. After about 6-8 minutes JIMENEZ climbed to the front seat driver side and then BAEZ climbed to the rear seat where he was out of officers' view. JIMENEZ remained under the dashboard on the driver side. After about five minutes BAEZ climbed back to the passenger seat. Based on TFO Henry's training and experience, he believed that the combination to open the subsequently discovered aftermarket compartment required a release from under the dash area. For the next ten minutes JIMENEZ remained in the driver-seat and BAEZ remained in the passenger seat and they appeared to converse.

12. When they departed the area, JIMENEZ drove the vehicle and BAEZ rode in the passenger seat. TFO Henry followed them and observed JIMENEZ drive around to Nesper Street, and both JIMENEZ and BAEZ remained in the vehicle for approximately 3-5 minutes and then males both exited the Jeep. They walked together to Sackett Street, then to Windish Street, and then split up with JIMENEZ in getting into a Ford transit Van with no passenger and BAEZ getting into the drivers' seat of a Gold Ford Escape with no passengers.

13. TFOs Vargas and Henry followed PAULINO BAEZ operating the Gold Ford Escape displaying Pennsylvania vehicle registration KBZ-8081 to Battersby and Cottman Avenue. At this point TFO Vargas initiated a traffic stop on the Gold Ford Escape for motor vehicle violations and TFO Henry went back to the 3100 block of Nesper Street to surveil the Black Jeep Cherokee displaying Pennsylvania registration KCF-4602.

14. At the traffic stop of the Gold Ford Escape, TFO Vargas engaged in general conversation with PAULINO BAEZ and explained that he was being stopped for following too closely to another vehicle. TFO Vargas asked PAULINO BAEZ who owned the vehicle and PAULINO BAEZ stated it was his friend's girlfriend's vehicle, but could not provide her name. TFO Vargas found this answer odd given that the address for the vehicle's registration was the same address as PAULINO BAEZ's driver's license. TFO Vargas also noticed that PAULINO BAEZ was extremely nervous, his hands were shaking badly, his chest was rising up and down and he was not able to relax and sit on the rear bumper of the vehicle while TFO Vargas waited for backup to arrive. After completing record checks from his vehicle, TFO Vargas returned PAULINO BAEZ's driver's license, proof of insurance and vehicle registration. At this point, additional units arrived and TFO Vargas asked PAULINO BAEZ for consent to search the vehicle. PAULINO BAEZ gave TFO Vargas consent to search the vehicle and added that there is nothing in the car that he is aware of.

15. TFO Vargas searched the front interior of the vehicle with negative results. He then looked underneath the vehicle and observed in the cargo area of the vehicle what he believed, based on his training and experience, an aftermarket compartment. After discovering the aftermarket compartment, TFO Vargas heard radio traffic from TFO Henry indicating that TFO Henry observed JIMINEZ walking back towards the Jeep on Nesper Street acting suspiciously. At

this point TFO Vargas detained PAULINO BAEZ for further investigation. TFO Vargas then used a flat head screwdriver to open up the aftermarket compartment and upon doing so, observed (2) two clear sandwich bags and (1) one tan plastic bag.

16. At approximately 1710, TFO Henry observed REGALDO JIMENEZ walking in the 3100 block of Nesper Street. REGALDO JIMENEZ was looking up and down the street and looking in cars in an attempt to detect law enforcement surveillance. He then got into the Black Jeep Cherokee, displaying Pennsylvania registration KCF-4602 and drove away at a high rate of speed. TFO Henry followed REGALDO JIMENEZ to the 3100 block of Guilford where REGALDO JIMENEZ jumped out of the vehicle and ran southbound between the houses onto the 3100 block of Teesdale Street. He was found by law enforcement personnel hiding under a parked car. At this point REGALDO JIMENEZ was detained for further investigation.

17. During a search incident to arrest, officers recovered the Samsung Galaxy S7 Edge, further described in Attachment A from REGALDO JIMENEZ's pants pocket. Similarly, during a search incident to arrest of PAULINO BAEZ, officers recovered the Verizon flip phone, further described in Attachment A, from PAULINO BAEZ's pocket. Officers recovered the Apple iPhone in a brown case, further described in Attachment A, from the Ford Escape that PAULINO BAEZ was driving at the time of his arrest.

18. At approximately 1854 hours, the black Jeep Cherokee and the Gold Ford Escape (refer to as TARGET VEHICLES) were exposed to a drug detention canine named "Hugo". K-9 Hugo is handled by Officer James Sweeney of the Whitemarsh Township Police Department. Officer Sweeney has been employed by the Whitemarsh Township Police Department since August 2004. He has been assigned as a K-9 handler since October 2009. Officer Sweeney and K-9 Hugo completed an intensive 250-hour training program, after which they were certified Narcotics/Patrol

Team through the North American Police Working Dog Association (NAPWDA) from 2009-2016. In March 2016, Officer Sweeney and K-9 Hugo became a certified Narcotics detection team through the United States Police Canine Association (USPCA) region 6. K-9 Hugo is trained to detect the odor of controlled substances, to include marijuana, hashish, cocaine, crack cocaine, heroin, ecstasy and methamphetamine. In addition to initial training, Officer Sweeney and K-9 Hugo continue to maintain certification by receiving a minimum of (16) sixteen hours of monthly training through the University of Pennsylvania Working Dog Center and yearly re-certification to the standards set forth by USPCA. In addition, they attend several monthly trainings with various Police agencies throughout the Delaware Valley. Officer Sweeney advised HSI TFO Weber that upon exposure to the TARGET VEHICLES, K-9 Hugo alerted positive to the odor of the presence of illegal narcotics emanating from the TARGET VEHICLES.

19. At this point the target vehicles were secured and towed to the Philadelphia Police Department, Strike Force Head Quarters.

20. On November 18, 2016, state search warrants were obtained to search the Gold Ford Escape displaying Pennsylvania vehicle registration KBZ-8081 and the Black Jeep Cherokee displaying Pennsylvania vehicle registration KCF-4602.

21. On November 19, 2016, at approximately 0005 hours, a search warrant was executed on the 2012 Gold Ford Escape. This vehicle is registered to Carmen HERNANDEZ, 642 Rosalie Street, Philadelphia, PA 19120. This vehicle was being operated by, Luis PAULINO BAEZ.

22. During the search warrant on the 2012 Gold Ford Escape, in the rear cargo area of the vehicle inside the aftermarket hidden compartment officers recovered (1) one clear sandwich bag containing a large chunk of a white powdery substance believed to be cocaine with an approximate weight of 178 grams, (1) one clear sandwich bag containing a white rock crystal

substance believed to be methamphetamine with an approximate weight of 108 grams, (1) one tan plastic bag that contained 2,867 clear zip lock packets with a paper stamped "Rolex" and "House Party" that contained an off white powdery substance believed to be Heroin with an approximate weight of .86 kilograms. The suspected narcotics were field tested by TFO Vargas and the white powdery substance tested positive for cocaine, the white rock crystal substance tested positive for methamphetamine, and the off-white powdery substance tested positive for heroin. A later laboratory analysis conducted by the Philadelphia Police Department Chemistry laboratory confirmed the presence of each controlled substance.

23. On November 19, 2016, at approximately 0005 hours, a search warrant was executed on the 2006 Black Jeep Cherokee. This vehicle is registered to James RODRIGUEZ, 5001 Rorer Street, Philadelphia, PA 19120. This vehicle was being operated by Miguel Antonio REGALDO JIMENEZ.

24. During the search warrant on the 2006 Black Jeep Cherokee, displaying Pennsylvania vehicle registration KCF-4602, in the rear cargo area of the vehicle inside an aftermarket hidden compartment agents and officers recovered (11) eleven Black/Blue tapped kilogram size bricks containing an off white powdery substance believed to be Heroin, (9) nine clear sandwich bags containing an off white powdery substance believed to be Heroin, (4) four heat sealed zip lock bags containing an off white powdery substance believed to be Heroin; all of the items believed to be Heroin had an approximate weight of 15.484 kilograms. Additional items recovered were (1) one green cellophane wrapped kilogram sized brick and (1) one white piece of plastic containing a white powdery substance suspected to be Cocaine with an approximate weight of 1.87 kilograms; (2) two aluminum foil and heat sealed kilogram sized brick containing a white crystal rock substance believed to be Methamphetamine with an approximate weight of 3.34

Kilograms; (1) one clear heat sealed bag containing a white powdery substance and (3) three aluminum foil kilogram sized bricks containing a white powdery substance suspected to be Fentanyl with an approximate weight of 4.412 Kilograms. The suspected narcotics were field tested by TFO Vargas and the off-white powdery substance field tested positive for heroin, the white powdery substance field tested positive for cocaine, and the white rock crystal substance field tested positive for methamphetamine. On November 19, 2016, officers conducted a field test on the one clear heat sealed bag containing a white powdery substance and the three aluminum foil sized bricks with an approximate weight of 4.4 kilograms and the initial field test on the unknown substance was negative. On November 21, 2016, TFO Vargas conducted a field test on the unknown substance with a fentanyl test kit that returned positive results for fentanyl. A later laboratory analysis conducted by the Philadelphia Police Department Chemistry laboratory confirmed the presence of each controlled substance.

25. Also recovered from the 2006 Black Jeep Cherokee, underneath the front passenger side seat was (1) one black pouch bag containing 584 clear zip lock packets with blue and/or glassine stamps with the names/symbols of the following: 24k, Gucci, Google, Sponge Bob, Rolex, House Party, Ferrari (Emblem), Versace, Ducati, Playboy (Bunny), Dirty Sprite and one with a name/symbol that was unreadable. All of these packets contained a white powdery substance believed to be Heroin.

26. Based on the probable cause listed above; On December 20, 2016, the United States District Court, Eastern District of Pennsylvania, issued federal arrest warrants for Luis PAULINO BAEZ, DOB 10-28-1986 and Miguel REGALADO JIMENEZ. Both are being charged with violating Title 21, United States Code 841, Possession of (1) one kilogram or more

of Heroin, 500 grams or more of Methamphetamine and 500 grams or more of Cocaine, with intent to distribute and Title 18 United States Code 2, Aiding and Abetting.

27. On January 11, 2017, a Federal Grand Jury, in the Eastern District of Pennsylvania, indicted Luis PAULINO BAEZ, and Miguel REGALADO JIMENEZ. Both were indicted for violating Title 21, United State Code (USC) Section 841, Possession with Intent to Distribute a Controlled Substance; Title 21, United States Code (USC) Section 860, Possession with Intent to Distribute a Controlled Substance within 1000 feet of a school and Title 18, United States Code (USC) Section 2 Aiding and Abetting. PAULINO BAEZ and REGALADO JIMENEZ are currently in the custody of the Federal Bureau of Prisons.

EVIDENCE TO BE SEIZED

28. In my experience and training, as well as the experience and training of other agents, I believe the seized cellular telephone contains evidence, fruits, and instrumentalities of crimes against the United States occurring in this judicial district, specifically, a violation of Title 21, United State Code (USC) Section 841, Possession with Intent to Distribute a Controlled Substance; Title 21, United States Code (USC) Section 860, Possession with Intent to Distribute a Controlled Substance within 1000 feet of a school and Title 18, United States Code (USC) Section 2 Aiding and Abetting.

29. In my experience and training, as well as the experience and training of other agents, I know narcotics traffickers often utilize electronic equipment, such as cellular telephones, to generate, transfer, count, record, and/or store information related to criminal activities.

30. In my experience and training, as well as the experience and training of other agents, I further know narcotics traffickers commonly utilize their cellular telephones to communicate with co-conspirators to facilitate their narcotics and money laundering operation. Additionally,

narcotics traffickers often use multiple cellular phones to minimize their chances of being intercepted by law enforcement by communicating with conspirators and associates over cellular phones.

31. In my experience and training, as well as the experience and training of other agents, I further know narcotics traffickers use cellular phones to store text messages and other information relevant to narcotics transactions, including but not limited to methods of trafficking narcotics, sources of supply, and prices, type and amount of narcotics. Cellular phones can also supply historical information about the dates, times, duration, number, destination, and location of telephone calls, messages, photographs, video, audio, and other information processed or stored by the cellular telephone which would be evidence of criminal activity.

32. In my experience and training, as well as the experience and training of other agents, I know narcotics traffickers and money launderers often store contacts lists, address books, calendars, photographs (including photos of co-conspirators and associates in the drug trafficking activity), video and audio files, financial data (including but not limited to credit card bills, account information, accounts receivable, accounts payable, general ledgers, cash disbursement ledger, check register, employment records, and correspondence), banking data (including but not limited to monthly savings and checking statements, canceled checks and banking communications, deposit tickets, withdrawal receipts, certificates of deposits, pass-books, money drafts, blank or endorsed money orders, check cashing logs, wire transfer logs, cashier's checks, bank checks, money orders, safe deposit boxes, money wrappers and wire transfers), assets (including but not limited to the possession, sale, purchase, transfer, and/or storage of any and all tangible or intangible assets, including but not limited to vehicles, real estate, and jewelry, regardless of the identity of the person(s) involved), identification records (including but not

limited to applications for birth certificates, state identification cards, social security cards, and driver's licenses text messages), international and domestic travel records, and voice mails in their cellular telephones or other electronic devices. Such data, as identified above, as well as the cellular telephone's number itself (also stored in the cellular telephone) is relevant to showing the identities of co-conspirators, particular conspirators' contact with other co-conspirators, and their contacts.

33. In my experience and training, as well as the experience and training of other agents, I also know narcotics traffickers and money launderers frequently list drug associates in directories, often by nickname, to avoid detection by others. Also, I know that the narcotics traffickers and money launderers rarely subscribe to telephones in their own names, making it difficult to link a particular telephone, pager, or residence line to a particular trafficker or launderer. Such directories as the ones likely contained in the seized cellular telephone are one of the few ways to verify the numbers (i.e., telephones, pagers, etc.) being used by specific traffickers and launderers.

34. In my experience and training, as well as the experience and training of other agents, I also know narcotics traffickers often utilize multiple cellular phones to attempt to conceal their identity, avoid detection by law enforcement and to facilitate their drug trafficking activities.

ELECTRONIC DEVICES AND STORAGE

35. This application seeks permission to search and seize things that the cellular telephone identified above might contain, in whatever form they are stored. Based on my experience and training, as well as the experience and training of other agents, I know that electronic devices can store information for long periods of time. Even when a user deletes information from a device, it can sometimes be recovered with forensics tools. Similarly, things

that have been viewed via the Internet are typically stored for some period of time on the device. This information can sometimes be recovered with forensics tools.

MOBILE PHONES

36. Based on Your Affiant's training and experience I know that most people, including criminals carry and use mobile phones and that these phones, particularly Apple iPhones (which are "smart phones") contain call histories, call logs, contacts, emails and phone book information, pictures and images and text message logs.

37. The Devices are currently in the lawful possession of HSI, whose offices are located at 2nd and Chestnut Streets, Philadelphia, PA. The Devices are in storage at that location.

TECHNICAL TERMS

38. Based on my training and experience, I use the following technical terms to convey the following meanings:

a. Wireless telephone: A wireless telephone (or mobile telephone, or cellular telephone) is a handheld wireless device used for voice and data communication through radio signals. These telephones send signals through networks of transmitter/receivers, enabling communication with other wireless telephones or traditional "land line" telephones. A wireless telephone usually contains a "call log," which records the telephone number, date, and time of calls made to and from the phone. In addition to enabling voice communications, wireless telephones offer a broad range of capabilities. These capabilities include: storing names and phone numbers in electronic "address books;" sending, receiving, and storing text messages and e-mail; taking, sending, receiving, and storing still photographs and moving video; storing and playing back audio files; storing dates, appointments, and other information on personal calendars; and accessing and downloading information from the Internet. Wireless telephones may also include global positioning system ("GPS") technology for determining the location of the device.

b. Digital camera: A digital camera is a camera, often as part of a cellular telephone, that records pictures as digital picture files, rather than by using photographic film. Digital cameras use a variety of fixed and removable storage media to store their recorded images. Images can usually be retrieved by connecting the camera to a computer or by connecting the removable storage medium to a separate reader. Removable storage media include various types of flash memory cards or miniature hard drives. Most digital cameras also include a screen for viewing the stored images. This storage media can contain any digital data, including data unrelated to photographs or videos.

c. Portable media player: A portable media player (or "MP3 Player" or iPod) is a handheld digital storage device designed primarily to store and play audio, video, or photographic files. However, a portable media player can also store other digital data. Some portable media players can use removable storage media. Removable storage media include various types of flash memory cards or miniature hard drives. This removable storage media can also store any digital data. Depending on the model, a portable media player may have the ability to store very large amounts of electronic data and may offer additional features such as a calendar, contact list, clock, or games.

d. GPS: A GPS navigation device uses the Global Positioning System to display its current location. It often contains records the locations where it has been. Some GPS navigation devices can give a user driving or walking directions to another location. These devices can contain records of the addresses or locations involved in such navigation. The Global Positioning System (generally abbreviated "GPS") consists of 24 NAVSTAR satellites orbiting the Earth. Each satellite contains an extremely accurate clock. Each satellite repeatedly transmits by radio a mathematical representation of the current time, combined with a special sequence of numbers. These signals are sent by radio, using specifications that are publicly available. A GPS antenna on Earth can receive those signals. When a GPS antenna receives signals from at least four satellites, a computer connected to that antenna can mathematically calculate the antenna's latitude, longitude, and sometimes altitude with a high level of precision.

e. PDA: A personal digital assistant, or PDA, is a handheld electronic device used for storing data (such as names, addresses, appointments or notes) and utilizing computer programs. Some PDAs also function as wireless communication devices and are used to access the Internet and send and receive e-mail. PDAs usually include a memory card or other removable storage media for storing data and a keyboard and/or touch screen for entering data. Removable storage media include various types of flash memory cards or miniature hard drives. This removable storage media can store any digital data. Most PDAs run computer software, giving them many of the same capabilities as personal computers. For example, PDA users can work with word-processing documents, spreadsheets, and presentations. PDAs may also include global positioning system ("GPS") technology for determining the location of the device.

39. Based on my training, experience, common knowledge and research, and/or from consulting the manufacturer's advertisements and product technical specifications available online, I know that cellular telephones often have capabilities that allow it to serve as a wireless telephone, digital camera, portable media player, GPS navigation device, and PDA. In my training and experience, examining data stored on devices of this type can uncover, among other things, evidence that reveals or suggests who possessed or used the device.

ELECTRONIC STORAGE AND FORSENSIC ANALYSIS

40. Based on my knowledge, training, and experience, I know that electronic devices can store information for long periods of time. This information can sometimes be recovered with forensics tools.

41. Forensic evidence. As further described in Attachment A, this application seeks permission to locate not only electronically stored information that might serve as direct evidence of the crimes described on the warrant, but also forensic evidence that establishes how the Devices were used, the purpose of its use, who used it, and when. There is probable cause to believe that this forensic electronic evidence might be on the Devices because:

a. Data on the storage medium can provide evidence of a file that was once on the storage medium but has since been deleted or edited, or of a deleted portion of a file (such as a paragraph that has been deleted from a word processing file).

42. Nature of examination. Based on the foregoing, and consistent with Rule 41(e) (2) (B), the warrant I am applying for would permit the examination of the device consistent with the warrant. The examination may require authorities to employ techniques, including but not limited to computer-assisted scans of the entire medium, that might expose many parts of the device to human inspection in order to determine whether it is evidence described by the warrant.

43. Manner of execution. Because this warrant seeks only permission to examine devices already in law enforcement's possession, the execution of this warrant does not involve the physical intrusion onto a premise. Consequently, I submit there is reasonable cause for the Court to authorize execution of the warrant at any time in the day or night.

44. Searching for the evidence described in Attachment B may require a range of data analysis techniques. In some cases, agents and computer analysts may be able to conduct

carefully targeted searches that can locate evidence without requiring a time-consuming manual search through unrelated materials that may be commingled with criminal evidence. In other cases, however, such techniques may not yield the evidence described in the warrant. Criminals can mislabel or hide information, encode communications to avoid using key words, attempt to delete information to evade detection, or take other steps designed to frustrate law enforcement searches for information. These steps may require agents and law enforcement or other analysts with appropriate expertise to conduct more extensive searches, such as scanning storage areas unrelated to things described in Attachment B, or perusing all stored information briefly to determine whether it falls within the scope of the warrant. In light of these difficulties, HSI intends to use whatever data analysis techniques appear necessary to locate and retrieve the evidence described in Attachment B.

CONCLUSION

45. Based on the above facts, I believe there is probable cause that the fruits, and/or evidence of crime, specifically in violation of Title 21, United State Code (USC) Section 841, Possession with Intent to Distribute a Controlled Substance; Title 21, United States Code (USC) Section 860, Possession with Intent to Distribute a Controlled Substance within 1000 feet of a school and Title 18, United States Code (USC) Section 2 Aiding and Abetting, will be found in the information stored in the cellular telephones identified above, and therefore I request that the court issue a search warrant for this information.

John Agnew
Special Agent, HSI

Sworn to and subscribed before me this
29 day of March, 2017

BY THE COURT:

HONORABLE JACOB P. HART
United States Magistrate Judge